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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/147,899 11/04/93 TIEDE

EXAMINER  
REDMAN, J

35M1/0303

ANTHONY G. M. DAVIS  
DAVIS, BUJOLD & STRECK  
175 CANAL STREET  
MANCHESTER, NH 03101

ART UNIT	PAPER NUMBER
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3508  
DATE MAILED:

03/03/94

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

57

☒ This application has been examined ☒ Responsive to communication filed on 1/24/94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                   |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____  |

Part II SUMMARY OF ACTION

1. ☒ Claims 1, AND 4-8 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☒ Claims 2 AND 3 have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☒ Claims 1 AND 4-8 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable, ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved, ☐ disapproved (see explanation).

12. ☒ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received, ☒ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Serial Number: 08/147,899

-2-

Art Unit: 3508

Acknowledgment is made of applicant's claim for priority based on an application filed in Canada on 1/29/92. It is noted, however, that applicant has not filed a certified copy of the Canadian application as required by 35 U.S.C. § 119.

The numbering of claims is not accordance with 37 C.F.R. § 1.126. The original numbering of the claims must be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When claims are added, except when presented in accordance with 37 C.F.R. § 1.121(b), they must be renumbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 3 has been renumbered as 5.

Claims 2 and 3 have been cancelled and claims 1, 4, and 5-8 remain in the application.

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cross-section area of the passage being either elliptical and circular must be shown or the feature cancelled from the claim. The perspective view of Figure 1 discloses the passages as either circular or elliptical in shape but does not disclose both/different embodiments. No new matter should be entered.

Art Unit: 3508

Claims 1, and 4-8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 5, lines 3-4, it is not readily apparent to the Examiner what is meant by "...faces being generally planar, thereby precluding attachment of an object thereto...". Just because an the body has a planar surface, how can this preclude attachment of an object?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wills. As shown in Figure 4, Wills discloses a grill having a body with a first generally planar face (16), a second face (17), and a plurality of continuous elongated passages (37-39) having a substantially uniform cross-section and extending through the body between the two faces (16 and 17) whereby the continuous elongated passages (37-39) has at least two changes in direction thereby hindering the ability to thread a member through the passages.

Claims 1 and 4 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

Serial Number: 08/147,899

-4-


Art Unit: 3508

Claims 6 and 7 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims because the art of record fails to disclose a continuous passage changing in at least two directions and being elliptical or circular in shape.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Redman whose telephone number is (703) 308-2168.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

JR Jerry Redman  
March 2, 1994

  
JERRY REDMAN  
EXAMINER  
ART UNIT 3508